

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA)
) Case No. 4:17-cr-10
v.)
) Judge Travis R. McDonough
JAMES RICHARD SMITH)
) Magistrate Judge Christopher H. Steger
)

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 29] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the one count Indictment; (2) accept Defendant's guilty plea as to Count One of the one count Indictment; (3) adjudicate Defendant guilty of possession of child pornography in violation of Title 18 U.S.C. § 2252(a)(4)(B); and (4) order that Defendant remain out of custody subject to the conditions established in the Order Setting Conditions of Release [Doc. 8] until sentencing in this matter or further order of this Court. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 29] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count One of the one count Indictment is **GRANTED**;
2. Defendant's plea of guilty to Count One of the one count Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of possession of child pornography in violation of Title 18 U.S.C. § 2252(a)(4)(B); and
4. Defendant **SHALL REMAIN** out of custody subject to the conditions established in the Order Setting Conditions of Release [Doc. 8] until sentencing in this matter which is scheduled to take place on **February 9, 2018, at 9:00 a.m.** before the undersigned, or further order of this Court.

SO ORDERED.

/s/*Travis R. McDonough*

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**